

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jamarr R. Stone, Sr.,

Plaintiff,

v.

Case NO. 2:19-cv-401

Brandon Collier, et al.,

Defendants.

ORDER

This is a civil rights action under 42 U.S.C. §1983 brought by plaintiff, Jamarr R. Stone, Sr., an Ohio inmate, against various employees of the Chillicothe Correctional Institution ("CCI") and the Ohio Department of Rehabilitation and Correction ("ODRC"). Plaintiff alleges that he was wrongfully accused of being involved in bringing contraband into CCI in retaliation for filing appeals against CCI employees, that he was denied a fair hearing before the Rules Infraction Board, and that he was subjected to harassment while in segregation. On February 12, 2019, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge recommended dismissal of plaintiff's claims against the defendants in their official capacities and dismissal of the claims against defendants Steven Jenkins, Tim Shoop, and Gary Mohr. The magistrate judge further recommended that the remainder of plaintiff's claims be permitted to proceed.

The report specifically advised the parties that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation would result in a waiver of the right to de novo review by the district judge and waiver of the right to appeal the judgment of the district court. Doc. 6, pp. 10-11. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

The court agrees with the report and recommendation (Doc. 6), and it is hereby adopted. Plaintiff's claims against the defendants in their official capacities and against defendants Jenkins, Shoop, and Mohr are dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim for relief. The remainder of plaintiff's claims will be permitted to proceed.

Date: March 6, 2019

s/James L. Graham
James L. Graham
United States District Judge